

Customer No.: 31561  
Docket No.: 12595-US-PA  
Application No.: 10/711,622

### REMARKS

#### Present Status of the Application

The Office Action rejected all presently-pending claims 1-24. Specifically, the Office Action rejected claims 1-21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action rejected claims 1-24 under 35 U.S.C. 102(e), as being anticipated by Sabo et al. (U.S. 6,783,448). The Office Action also rejected claims 22-24 under 35 U.S.C. 102(e) as being anticipated by Halley (U.S. 6,517,419).

Applicants have amended claims 1-4, 6-11, 13-16, 18 and cancelled claims 5, 22-24. Applicants also newly added claims 25-28. After entry of the foregoing amendments, claims 1-4, 6-21, 25-28 remain pending in the present application, and reconsideration of those claims is respectfully requested.

#### Interview Summary

The undersigned would like to thank Examiner Jacob Ackun for granting a telephonic interview on April 27, 2004, during which the 112, 2<sup>nd</sup> paragraph and the 102(e) rejections in the Office Action dated 2/1/2005 were discussed. More particularly, the undersigned discussed the proposed amendments to independent claim 1 in which the term "polishing surface" has been amended to "top surface" and an additional feature which recited "the stress buffer pattern comprises a plurality of trenches or at least one opening having a first

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depth less than a thickness of the polishing pad" has been incorporated. Examiner Ackun indicated the proposed amendments seemed to overcome the 112 and the 102 rejections; however, he would like to preserve the final judgment until a further review of this Response.

#### Discussion of Office Action Rejections

The limitations added in claims 1, 11 are described in paragraph [25] and shown in Figs. 3A~3K. The limitations added in claims 9, 10 are described in paragraph [42]. The limitations in newly added claims 25, 27 are described in paragraph [26] and shown in Figs. 3A~3K. The limitations in newly added claims 26, 28 are described in paragraph [29]. No new matter is entered.

*Applicants respectfully traverse the 112 rejection of claims 1-21 because "the polishing region" in amended claims 1, 11 is definite clearly, and the description of "the cambered surface" in amended claim 8 is also clear.*

*Applicants respectfully traverse the 102(e) rejection of claims 1-24 because Sabo (U.S. 6,783,448) does not teach every element recited in these claims.*

In order to properly anticipate Applicants' claimed invention under 35 U.S.C 102, each and every element of claim in issue must be found, "either expressly or inherently described, in a single prior art reference". "The identical invention must be shown in as complete details as is

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contained in the .... claim. Richardson v. Suzuki Motor Co., 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).” See M.P.E.P. 2131, 8<sup>th</sup> ed., 2001.

The present invention is in general related a polishing pad and a method of fabricating the same as claims 1 and 11 recite:

Claim 1. A polishing pad having a top surface, a back surface, and a sidewall connected to the top surface and the back surface, and the polishing pad is divided into a polishing region and a region neighboring to the polishing region, characterized in that:

at least one stress buffer pattern disposed in the region neighboring to the polishing region, wherein *the stress buffer pattern comprises a plurality of trenches or at least one opening having a first depth less than a thickness of the polishing pad.*

Claim 11. A method for fabricating a polishing pad having a top surface, a back surface, and a sidewall connected to the top surface and the back surface, and the polishing pad is divided into a polishing region and a region neighboring to the polishing region, the method comprising forming a stress buffer pattern in the region neighboring to the polishing region, wherein *the stress buffer pattern comprises a plurality of trenches or at least one opening having a first depth less than a thickness of the polishing pad.*

Sabo fails to teach that the stress buffer pattern comprises a plurality of trenches or at least one opening having a depth less than the thickness of the polishing pad. In Sabo's reference, the pad 10 comprises an outer periphery 12 and a center portion 14, wherein the center portion 14 has a hallowed out in a frustro-shape in order to prevent loading up of compound in the center of the pad. Apparently, the hallowed out in a frustro-shape is formed passing through the material 18 from the back portion 28 to the working face 24. Hence, the hallowed out in a frustro-shape in the center portion 14 has a depth identical to the thickness of the pad.

Sabo does not teach or disclose the depth of the stress buffer pattern is less than the thickness of the polishing pad as claims 1, 11 of the present invention recite. Hence, Sabo does

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not teach every element recited in claims 1, 11. For at least the foregoing reasons, Applicant respectfully submits that independent claims 1 and 11 patently define over the prior art reference, and should be allowed. For at least the same reasons, dependent claims 2-4, 6-10, 12-21 patently define over the prior art as well.

Claims 22-24 have been cancelled to render the 35 U.S.C. 102(e) rejection by Halley mooted.

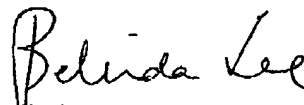
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### CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-4, 6-21, 25-28 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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